

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

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|----------------------------------|---|----------------------|
| UNITED STATES OF AMERICA, | § | |
| Plaintiff, | § | |
| v. | § | 3:19-CR-329-M |
| | § | |
| MICKAEL GEDLU | § | ECF |
| Defendant. | § | |

AMENDED MOTION TO EXPEDITE SENTENCING

Defendant **MICKAEL GEDLU**, through his counsel, Assistant Federal Public Defender John M. Nicholson, moves this Court to reschedule sentencing to the earliest date convenient for the Court and in support of this request states the following:

Mr. Gedlu's sentencing hearing is presently scheduled for July of 2020. Contemporaneous with this motion, the defense filed a motion for downward variance and/or departure that urges this Court to sentence Mr. Gedlu to a split sentence consistent with Zone C of the United States Sentencing Guidelines. Were the court to grant that motion then, by July of 2020, Mr. Gedlu will have been in custody roughly twelve months, which would be *double* the minimum term called for by a split sentence. As such, the defense respectfully moves the Court to reschedule sentencing in this case to the earliest available docket date.

Pursuant to Special Orders 13-5, 13-6, 13-7, 13-8 and 13-9, regarding Court Operations Under the Exigent Circumstances Created by COVID-19 Pandemic, court proceedings in the Northern District of Texas have been continued to protect the health and safety of the public, defendants, and court personnel. Special Order 13-9 references the Coronavirus Aid, Relief and Economic Security Act (CARES Act) and the findings of the Judicial Conference of the United States, and it authorizes the use of video teleconferencing for several types of hearings, including

sentencings. On April 6, 2020, undersigned counsel spoke with Mr. Gedlu over the telephone. Undersigned counsel and Mr. Gedlu discussed whether to move for an expedited sentencing to be conducted by Video Teleconference (VTC). Undersigned counsel advised Mr. Gedlu that he has the right (1) to be physically present at sentencing; (2) to allocute in person and to present mitigating evidence to the Court at sentencing; (3) for more fulsome public access to the sentencing proceeding; and (4) to consult privately and in person with counsel during the sentencing proceeding. Undersigned counsel represents to this Court that Mr. Gedlu understands each of these consequences of proceeding by way of VTC. Furthermore, Mr. Gedlu understands that he will be in a different physical location than both this Court and undersigned counsel. Nonetheless, after consulting with counsel, Mr. Gedlu has determined that, if allowed by this Court, it is in his best interest to proceed with sentencing now, using video teleconference, rather than waiting for an in-person court appearance later. Mr. Gedlu is aware that he will be required to confirm the same on the record should the Court grant this motion.

The defense has no objections to the Presentence Investigation Report and does not intend to call witnesses other than Mr. Gedlu's father, who will be a character witness via either VTC or a conference call.

Respectfully submitted,

Jason Hawkins
Federal Public Defender

s/ John M. Nicholson
JOHN M. NICHOLSON
First Assistant Federal Public Defender
Federal Public Defenders Office
525 Griffin Street, Suite 629
Dallas, Texas 75202
214.767.2746
214.767.2886 facsimile
Texas Bar No. 24013240
john_nicholson@fd.org

CERTIFICATE OF SERVICE

I certify that I conferred with AUSA Rebeka Ricketts regarding this motion and learned that the government is opposed to the request for Expedited Sentencing but is not opposed to sentencing by way of VTC. The government is also opposed to the defendant's motion for downward departure and/or variance. Moreover, the government will not know if it will put on evidence at sentencing until after AUSA Ricketts has had the opportunity to review the defense's sentencing motion.

s/ John M. Nicholson
JOHN M. NICHOLSON
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2020, I electronically filed the foregoing document using the Court's CM/ECF system, thereby providing service on attorneys of record.

s/ John M. Nicholson
JOHN M. NICHOLSON
Assistant Federal Public Defender